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STATE OF WASHINGTON

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84379-1

NO. 84746-1

CLERK  
SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of the Guardianship of:

MARY JANE McNAMARA

DEPARTMENT'S  
POSITION REGARDING  
INDIGENCY UNDER  
RAP 15.2(d)

Respondent Department of Social and Health Services hereby responds to the Court Clerk's letter inquiry of August 2, 2010, regarding whether an order of indigency should enter in this case pursuant to RAP 15.2(d). The Department has no financial interest in the outcome of that order, and files this comment only to clarify for the Court that the appellants and parties-in-interest in this case are the court-appointed guardians, not their indigent wards.


Appellants James Hardman and Alice Hardman are court-appointed guardians for Ms. McNamara and the other five incapacitated persons in these consolidated cases. The Hardmans requested that the superior court approve their fees, to be paid from the incomes of each of their wards. The superior court approved some, but not all, of those requested fees. In this appeal, the Hardmans argue that they should be allowed to charge additional fees to the estates of their wards.

When guardians sue to vindicate their own interests, they must bear their own costs. *See Porter v. Porter*, 107 Wn.2d 43, 57, 726 P.2d 459 (1986) (attorney fees incurred on guardian's individual claims must be segregated from fees incurred on behalf of the ward). The superior court's

finding that the Hardmans' wards—as opposed to the Hardmans themselves—are indigent is thus irrelevant to whether the filing fee should be waived in this case.

RESPECTFULLY SUBMITTED this 31 day of August, 2010.

ROBERT M. MCKENNA  
*Attorney General*



JONATHON BASHFORD, WSBA #39299  
*Assistant Attorney General*  
7141 Cleanwater Drive SW  
PO Box 40124  
Olympia, WA 98504-0124  
(360) 586-6535

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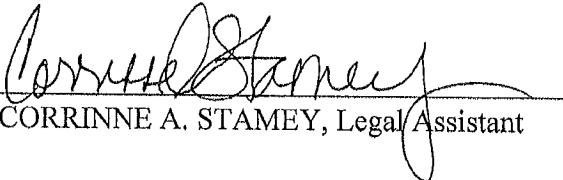
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Michael L. Johnson Hardman & Johnson 93 S. Jackson St., #55940 Seattle, WA 98104-2818	

I certify under penalty of perjury under the laws of the state of  
Washington that the foregoing is true and correct.

DATED this 31<sup>st</sup> day of August, 2010 at Tumwater, WA.

  
CORRINNE A. STAMEY, Legal Assistant

ORIGINAL

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**To:** Stamey, Corrinne (ATG)  
**Cc:** hardmanjohnson@gmail.com; Bashford, Jonathon (ATG); Chafin, Cheryl (ATG)  
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Rec. 8-31-10

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**From:** Stamey, Corrinne (ATG) [mailto:CorrinneS@ATG.WA.GOV]  
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**Subject:** Guardianship of Mary Jane McNamara - Supreme Court No. 84746-1

Case Name: In the Matter of the Guardianship of: MARY JANE MCNAMARA

Supreme Court No.: 84746-1

Filing Party: Jonathon Bashford, Assistant Attorney General, Attorneys for the  
Department

WSBA No. 39299

E-mail: [JonB@atg.wa.gov](mailto:JonB@atg.wa.gov)

<<Department's Position Regarding Indigency Under RAP 15.2d.pdf>>

Attached for filing please find the **Department's Position Regarding Indigency under RAP 15.2(d)**. Please feel free to contact us if you have any difficulties opening the attachment or if you have any questions.

Thank you.

**Corki Stamey**

Legal Assistant to

Jonathon Bashford, Assistant Attorney General

(360) 586-6525 / (360) 586-6662 fax